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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,719	09/17/2001	John R. Bair JR.	249768027US1	7605

25096 7590 03/20/2007
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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2162

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/954,719	BAIR ET AL.	
	Examiner	Art Unit	
	JEAN B. FLEURANTIN	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 27-35, 50 and 53-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 27-35, 50 and 53-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to Applicant(s) arguments submitted on 1/04/07.

The following is the current status of claim(s):

Claims 6-26, 36-49 and 51-52 have been canceled.

Claims 1-5, 27-35, 50 and 53-55 remain pending for examination.

Applicant's arguments filed 8/09/06 have been fully considered but they are not persuasive for the following reasons I (rejection maintained and repeated below) and section II (response to argument).

Claim Rejections - 35 USC § 103

- I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over of U.S. Patent No. 7,010,537 issued to Eyal et al., ("Eyal") in view of U.S. Patent No. 6,466,940 issued to Mills, ("Mills").

As per claim 53, Eyal discloses "a method in a computing system for selecting document" (i.e., selecting data type of the web resources; see col. 9, lines 10-12), comprising:

"receiving a query specifying values for one or more of the plurality of the attributes " (i.e., receiving a search request specifying the product, such as books; see col. 9, lines 24-31); and

"in response to receiving the query" (see col. 9, line 33), and "referencing, for each attribute for which an attribute value was extracted, a row corresponding to the attribute value in a dimension table of

the dimensional model corresponding to the attribute" (i.e., search result containing URLs to books, which automatically displaying to select; see col. 9, lines 14-16 and col. 9, lines 29-39)

Eyal fails to explicitly disclose a method for maintaining a dimensional model of a group of documents, the dimensional model reflecting values for a plurality of differentiated attributes for each of the documents of the group; the model, comprising a fact table and two or more dimension tables, the fact table being comprised of rows each containing a document reference; using the dimensional to generate a list of documents in the group having the attribute values specified by the query. However, Mills discloses a method for maintaining a dimensional model of a group of documents (see Mills col. 21, lines 41-46), the dimensional model reflecting values for a plurality of differentiated attributes for each of the documents of the group (see Mills col. 8, lines 39-57); the model, comprising a fact table and two or more dimension tables, the fact table being comprised of rows each containing a document reference (see Mills col. 9, lines 4-16), using the dimensional to generate a list of documents in the group having the attribute values specified by the query (see Mills col. 10, lines 24-33). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Eyal by maintaining a dimensional model of a group of documents, the dimensional model reflecting values for a plurality of differentiated attributes for each of the documents of the group; using the dimensional to generate a list of documents in the group having the attribute values specified by the query as disclosed by Mills (see Mills col. 21, lines 41-46). Such a modification would allow the method of Eyal to provide a new form of web page which is better suited to the automatic compilation of databases constructed by the automatic scanning of many such pages posted on a network (see Mills col. 6, lines 9-13), thereby, improving the accuracy and the reliability of the searching documents using a dimensional database.

As per claim 54, Eyal discloses "wherein maintaining the dimensional model includes automatically exacting attribute values from the documents" (i.e., search result containing URLs to books, which automatically displaying to select; see col. 9, lines 34-38).

As per claim 55, Eyal discloses "wherein attribute values extracting from one or more explicit attribute tags within the documents" (i.e., retrieving URLs, containing audio or video output (values); see col. 9, lines 64-67).

Allowable Subject Matter

Claims 1-5, 27-35 and 50 are allowed over the prior art of record.

With respect to claim 1, the claimed features "the added fact table row containing the url and referencing, for each attribute for which an attribute value was extracted, a row corresponding to the attribute value in a dimension table of the dimension model corresponding to the attribute" in combination with other element of the independent claims would not found anticipated or obvious over the prior art made of record.

With respect to claim 27, the limitations of claim 27 are substantially similar to claim 1, therefore claim 27 is also allowed on that basis.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also allowed

Response to Applicant' Remarks

II. In response to applicant's arguments, page 10, paragraphs 2 and 3, against the Eyal and Mills individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

It is noted that, Eyal discloses search result containing urls and sequentially displaying to the user; see col. 9, lines 34-38. Mills discloses lists are found in combined list, and query producing a result list which then provided to other processes; col. 10, lines 24-29. Thus, the combination of Eyal and Mills discloses the claimed limitations. Eyal fails to explicitly disclose a method for maintaining a dimensional model of a group of documents, the dimensional model reflecting values for a plurality of differentiated attributes for each of the documents of the group; the model, comprising a fact table and two or more dimension tables, the fact table being comprised of rows each containing a document reference; using the dimensional to generate a list of documents in the group having the attribute values specified by the query. However, Mills discloses a method for maintaining a dimensional model of a group of documents (see Mills col. 21, lines 41-46), the dimensional model reflecting values for a plurality of differentiated attributes for each of the documents of the group (see Mills col. 8, lines 39-57); the model, comprising a fact table and two or more dimension tables, the fact table being comprised of rows each containing a document reference (see Mills col. 9, lines 4-16), using the dimensional to generate a list of documents in the group having the attribute values specified by the query (see Mills col. 10, lines 24-33). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Eyal by maintaining a dimensional model of a group of documents, the dimensional model reflecting values for a plurality of differentiated attributes for each of the documents of the group; using the dimensional to generate a list of documents in the group having the attribute values specified by the query as disclosed by Mills (see Mills col. 21, lines 41-46). Such a modification would allow the method of Eyal to provide a new form of web page which is better suited to the automatic compilation of databases constructed by the automatic scanning of many such pages posted on a network (see Mills col. 6, lines 9-13), thereby, improving the accuracy and the reliability of the searching documents using a dimensional database.

Applicant stated, page 10, paragraph 2, Claim 53 has been amended to add the dimensional model structure language of claim 27: "the model comprising a fact table and two or more dimension tables, the fact table being comprised of rows each containing a document reference and

referencing, for each attribute for which an attribute value was extracted, a row corresponding to the attribute value in a dimension table of the dimensional model corresponding to the attribute."

Claim 27 recites:

A method in a computing system for processing a search request against a dimensional model of a set of documents, the model comprising a fact table and two or more dimension table, the fact table being comprised of rows each containing a document reference and referencing, for each attribute for which an attribute value was extracted, a row corresponding to the attribute value in a dimension table of the dimensional model corresponding to the attribute, the method comprising:

receiving a search request specifying search request attribute tests for one or more of the set of attributes;

for each of the set of attributes for which a search request attribute test is specified, selecting the rows of the dimension table corresponding to the attribute that satisfy the search request attribute test;

joining the selected rows of the dimension tables corresponding to the attributes for which a search request attribute value is specified to the fact table to produce a join result; and

generating a search request result containing the document references contained by the rows of the join result.

Where as claim 53 recites:

A method in a computing system for selecting documents, comprising:

maintaining a dimensional model of a group of documents, the dimensional model reflecting values for a plurality of differentiated attributes for each of the documents of the group, the model, comprising a fact table and two or more dimension tables, the fact table being comprised of rows each containing a document reference and referencing, for each attribute for which an attribute value was extracted, a row corresponding to the attribute value in a dimension table of the dimensional model corresponding to the attribute;

receiving a query specifying values for one or more of the plurality of attributes; and
in response to receiving the query, using the dimensional model to generate a list of
documents in the group having the attribute values specified by the query.

Apparently the structure of claim 27 does not correspond to claim 53. Thus, arguments are moot.

Applicant stated, page 10, paragraph 2, " As noted by the Examiner with respect to claim 27, both Eyal and Mills fail to disclose this recited structure." It is clear the Office action, page 5, indicates that "Eyal fails to explicitly disclose .." Thus, arguments are moot.

MPEP 2111: During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




Jean Bolte Fleurantin

Patent Examiner

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March 08, 2007



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